

**From:** POLITICO Pro Energy  
**To:** [megan\\_bloomgren@ios.doi.gov](mailto:megan_bloomgren@ios.doi.gov)  
**Subject:** Morning Energy, presented by POET: White House expects earful on climate in Sicily — EPA shelves compliance deadlines for effluent limits rule — More ask Zinke not to alter monument designations  
**Date:** Friday, May 26, 2017 4:48:10 AM

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By Anthony Adragna | 05/26/2017 05:44 AM EDT

**CIAO PRESIDENTE! LET'S TALK CLIMATE:** Expect President Donald Trump to get an earful about climate change and the 2015 Paris agreement from the leaders of Canada, France, Germany, Italy, Japan and the United Kingdom as the G-7 kicks off in Sicily. National Economic Council Director Gary Cohn told reporters to expect a discussion of climate issues during a session on "global issues" sometime this afternoon. "He's interested to hear what the G7 leaders have to say about climate," Cohn said. "It will be a fairly robust discussion on that." He added Trump's heard "arguments that are persuasive on both sides" about climate change, and noted the president's concern the existing emissions reduction pledge is too ambitious and would be "highly crippling to the U.S. economic growth."

**Eyebrow-raising comment from Cohn on U.S. energy mix:** "Coal doesn't even make that much sense anymore as a feedstock. Natural gas, which we have become an abundant producer [of], which we're going to become a major exporter of, is such a cleaner fuel. If you think about how solar and how much wind power we've created in the United States, we can be a manufacturing powerhouse and still be environmentally friendly."

**Climate has already popped up repeatedly on Trump's European swing:** Cohn said Trump had been pushed on climate change and the Paris pact at every bilateral meeting with world leaders during his time in Europe. Newly-elected French President Emmanuel Macron told reporters he had an "extremely direct and very frank" conversation with Trump about not making a hasty decision on Paris. "I reminded him of the importance these agreements have for us," Macron said, according to [Reuters](#). "My wish in any case is that there should be no hasty decision on this subject by the United States because it is our collective responsibility to retain the global nature of this pledge, which was a first."

European Council President Donald Tusk said there were [unresolved questions](#) about the U.S. position on climate change following his meeting with the president. And that comes on the heels of Pope Francis gifting Trump a copy of his climate change-related encyclical and Vatican officials urging the U.S. to stick with the Paris deal.

**Commitment sought:** As Trump touched down in Sicily Thursday night, European leaders still hadn't gotten a clear sense of where he stood on the Paris deal, and diplomats from other nations said their top priority was keeping Trump in the pact, POLITICO's Tara Palmeri [reports](#). The U.S. indecision is a departure from standard practice at international summits where policy commitments are typically agreed to in advance.

**Bottom line:** Trump is expected to make a final decision about Paris once he returns from the trip.

**TGIF MY FRIENDS!** I'm your host Anthony Adragna, and the Southern Environmental Law Center's Navis Bermudez was first to identify Alexander Stephens as the only Confederate vice president. For today: The late 1960s expulsion of which House member was followed by a Supreme Court ruling allowing them to regain their seat? Send your tips, energy gossip and

comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning\\_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

**PROGRAMMING NOTE** - Due to the Memorial Day holiday, Morning Energy will not publish on Monday, May 29. Our next Morning Energy will publish on Tuesday, May 30. Please continue to follow Pro Energy issues [here](#).

**GIANFORTE WINS IN MONTANA:** One day after allegedly [assaulting](#) a reporter, Montana voters sent Republican Greg Gianforte to Congress to fill the seat once held by Interior Secretary Ryan Zinke. The race went for Gianforte, a former technology executive who lost a gubernatorial bid in 2016, over Democrat Rob Quist, a folk singer and first-time candidate. The race for Montana's sole congressional seat had narrowed even before the "bodyslam" of The Guardian's Ben Jacobs, even though Trump won the Big Sky State by more than 20 points last fall. POLITICO's Scott Bland has more on the race [here](#).

**COMPLIANCE DATES PUSHED FOR EPA RULE:** EPA Administrator Scott Pruitt signed a [proposed regulation](#) Thursday suspending compliance dates for an Obama administration regulation limiting toxic discharges from coal-fired power plants, Pro's Annie Snider [reports](#). The agency will accept public comment for 30 days on its plan to suspend compliance dates implementing two aspects of the rule, which limits waterborne pollutants like arsenic and lead. Those requirements would be indefinitely suspended "until EPA promulgates a final rule specifying compliance dates."

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**MORE PRESSURE FOR ETHICS WAIVERS:** Additional voices are pushing the Trump administration to release copies of ethics waivers it has granted so that lobbyists can serve in its ranks. House Natural Resources Ranking Member [Raul Grijalva](#) sent [a letter](#) to Interior Secretary Ryan Zinke, Commerce Secretary Wilbur Ross and Agriculture Secretary Sonny Perdue requesting all copies of the waivers. "The current Administration's refusal to comply with this completely reasonable and standard request for information flies in the face of the President's repeated claims to support an open and transparent government," he wrote. That letter comes after Earthjustice filed FOIA requests with [EPA](#), [Energy](#) and [Interior](#) for copies of all waivers already granted.

**YOU DON'T GOT THE POWER!** As the public comment period on what to do about Bears Ears National Monument closes, the top four congressional Democrats — Senate Minority Leader [Chuck Schumer](#), Minority Whip [Dick Durbin](#), House Minority Leader [Nancy Pelosi](#) and Minority Whip [Steny Hoyer](#) — sent Zinke [a letter](#) urging him not to alter existing national monument designations. "It is unconscionable to think that this administration would sell out America's outdoor heritage to benefit corporate interests in the oil, gas and mining industries," they wrote.

**But wait, there's more!** 86 House Democrats, led by [Raul Grijalva](#), sent Zinke [a letter](#) arguing he lacks the power to rescind or revise national monuments designated under the Antiquities Act. "Congress has not delegated authority to significantly diminish or abolish an existing national monument," they wrote. "The Constitutional authority to revoke or shrink a national monument lies with the Congress."

**Meanwhile, politicians split on Maine designation:** While comments on another two dozen previously designated monuments roll on, Sen. [Angus King](#) sent [a letter](#) Thursday urging Zinke "in the strongest possible terms" to let the Katahdin Woods and Waters National Monument, designated by the Obama administration, remain in its current form. "I am absolutely convinced that the prompt conclusion of this review and reaffirmation of the Monument designation would be a positive step," King wrote. "This Monument is some of the first positive news for the Katahdin region in a long time; please don't let it be taken away." That comes as [a map](#) from Gov. Paul LePage's office shows what it says are shuttered recreational opportunities in the area since the monument's designation.

**JETTING OFF:** Zinke will travel to Norway, Greenland and Alaska on a congressional delegation led by Senate ENR Chairman [Lisa Murkowski](#) this weekend.

**ONE MORE FROM GRIJALVA:** The Arizona Democrat also asked Zinke in [a letter](#) for information about who asked the U.S. Geological Survey to remove references to the relationship between climate change and sea level rise from a press release. "The public needs reassurance that his Administration will not persecute scientists or suppress the findings of their work," he wrote.

**Grijalva's office tells ME** he has yet to receive any response to 11 different letters sent to Interior and related agencies dating to mid-February. ME remembers Republicans loudly decrying the slow response times to their inquiries of Obama-era officials, but they don't appear to be concerned now that roles have reversed. Interior did not respond to requests for comment.

**NEARLY EVERGREEN AT THIS POINT:** Senior House Republican leaders, rife with divisions in their ranks about government spending, are already plotting how to avoid a government shutdown this fall, POLITICO's Rachael Bade and John Bresnahan [report](#). Congress only has 43 legislative days left to pass appropriations bills before they hit the Sept. 30 deadline to keep the lights on, so Speaker Paul Ryan in a closed-door GOP conference meeting Thursday morning raised the possibility of clumping appropriations bills together in an omnibus to save time.

**The takeaway from one GOP source:** "This is gonna be a brutal battle. Defense hawks want \$640 [billion], appropriators want \$516 [billion] for non-defense, moderates don't want any changes to mandatory. And yet everyone says the budget still has to balance. Those numbers don't add up. And a budget that doesn't have serious deficit reduction isn't going to make it out of committee."

**THEY'RE GETTING FASTER AT THIS!** Just two days after the [announcement](#), Trump's White House formally sent the nomination of David Jonas to be DOE's general counsel to the Senate. The landing team member and an expert on nuclear nonproliferation has been a partner at the Virginia law firm Fluet, Huber and Hoang since 2016.

**ICYMI:** Three of the four protesters that [interrupted](#) Thursday's confirmation hearings for two FERC nominees and the No. 2 DOE post were sent to jail after being charged with misdemeanors, a spokeswoman for the Capitol Police tells ME. The other paid a fine and left. Pro's Esther Whieldon has a look at the rest of the hearing [here](#).

**MAIL CALL! SENATORS PUSH FOR DRINKING WATER FUNDING:** A bipartisan group of more than two dozen senators, led by Sen. [Ben Cardin](#), sent [a letter](#) to top

Appropriators urging them to continue strong funding for grant programs to reduce lead in drinking water. "We can no longer delay needed upgrades to our infrastructure, strengthening drinking water protections and removing lead and other contaminants out of public water supplies," they wrote.

**GROUPS FIGHT METHANE RULE RECONSIDERATION:** A coalition of more than 60 conservation, public health, labor and faith groups are urging Pruitt not to suspend requirements for oil and gas companies to find and fix leaks from their facilities as he reconsiders those standards for new and modified wells. "EPA's methane standards are national protections that will ensure all communities benefit from these common sense best practices — and not just those located in states that have adopted such regulations," the groups, which include the Environmental Defense Fund, Clean Air Task Force and Earthworks, wrote in [a letter](#).

**BLANKENSHIP ASKS SUPREMES TO STEP IN:** Former Massey Energy chief Don Blankenship [asked](#) the Supreme Court on Thursday to toss out his 2015 misdemeanor conviction of conspiracy to violate mine safety standards, Pro's Alex Guillén [reports](#). He recently left prison after serving a year for that conviction, which stemmed from the 2010 Upper Big Branch mine disaster that killed 29 of his workers.

**DIRECTOR OF NEBRASKA BOARD OVERSEEING KEYSTONE RESIGNS:** Jeff Pursley, executive director of the Nebraska Public Service Commission, has resigned effective June 12. A commission spokeswoman tells ME the departure will have "no impact" on the commissioners' review of Keystone XL's proposed route currently before the panel.

**OVERDRAWN:** An employee within Interior's Office of the Chief Information Officer knowingly used her government-issued travel card to pay for hotels, airline tickets, rental cars and gasoline, according to an inspector general [report](#) out Thursday. The official, Tracy Hamm, pleaded guilty to misdemeanor credit card fraud and received a year of probation.

**MOVER, SHAKER:** David Leiter, the longtime ML Strategies president who served in the Clinton administration's DOE and as chief of staff to Sen. John Kerry, has formed [Plurus Strategies](#). One of its first clients is Exxon Mobil.

**John Stapleton** is leaving his position as communications director for Rep. [David McKinley](#) and begins a new role with the House Homeland Security Committee next week.

**Natalie Mamerow**, an adviser to the director of the Bureau of Ocean Energy Management at the Interior Department during the final year of the Obama administration, has joined the American Society of Civil Engineers as a senior manager of federal government relations, where she'll be lobbying for water, energy and environmental infrastructure. She previously worked as a legislative assistant for Rep. [Ron Kind](#) (h/t POLITICO Influence).

**SPOTTED:** Former Energy Secretary Ernest Moniz coming out of [The Bottom Line](#) in Washington around 1 p.m. Thursday.

## QUICK HITS

— New York U.S. Lawmakers Urge Feds To Expand Hudson River Cleanup. [WAMC](#).

— Utility owner, ex-regulator, lobbyist indicted on bribery, fraud charges. [Arizona Republic](#).

- Iran sees breakthrough in oil deals following Rouhani re-election. [Reuters](#).
- Coal Mines Are Reimagined as a New Power Source. [Wall Street Journal](#).
- Perry Says His Dad Helped Make Him a Cowboy and a Politician. [AP](#).
- Climate Change Could Uncover An Abandoned Arctic Nuclear Base. [Huffington Post](#).

## THAT'S ALL FOR ME!

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*To view online:*

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/white-house-expects-earful-on-climate-in-sicily-023024>

## Stories from POLITICO Pro

### Trump still hasn't given allied leaders what they want [Back](#)

By Tara Palmeri | 05/25/2017 08:49 PM EDT

SICILY — Despite a day of pitches from European leaders, President Donald Trump has yet to give them what they want — a commitment to the Paris climate accord ahead of the G7 summit.

Trump departed late Thursday from Brussels, where he met with his fellow NATO heads of state, and headed to Sicily, where he embarks Friday on his first meeting with leaders of the G7.

Trump's national economic advisor Gary Cohn set the bar low for any strong commitments from the U.S. at the global summit, where Trump will meet with his Canadian, French, German, Italian, Japanese and British counterparts.

"The G7 is set up to be more of an ad-hoc session where the leaders get together and they listen and talk to each other," Cohn told U.S. reporters on the way to Italy.

"The president has told you that he's going to ultimately make a decision on Paris and climate when he gets back," Cohn added. "He's interested to hear what the G7 leaders have to say about climate. It will be a fairly robust discussion on that."

That position is a departure from standard practice for international summits, at which policy commitments are typically agreed in advance.

Diplomats from other nations said their top priority was keeping Trump in the Paris accord, a 2015 agreement intended to limit global warming.

Trump has argued that the regulations imposed hamper domestic economic growth but has said he would consider some pollution limits.

"This time there's going to be a substantive negotiation that can last late into the night Friday into Saturday on a final communiqué," warned a French official. "We want the most ambitious agreement possible, and we don't want the United States to leave."

While the EU leaders described the meeting as "cordial" and "friendly," it was clear that the new and unpredictable American president had not offered reassurances on some [core areas of concern](#) for Brussels.

European Council President Donald Tusk said they had found common ground on fighting terrorism, and appeared to be "on the same line" about the conflict in Ukraine. But Tusk said there were unresolved questions on trade and climate change - two topics that will be addressed at the G7 summit.

"Some issues remained open like climate and trade," EU Council President Donald Tusk told reporters shortly after a meeting at EU headquarters in Brussels on Thursday morning.

He reserved his most pointed remarks for the U.S. position on Russia though. "I am not sure that we can say 100 percent today that we have a common position, common opinion about Russia," Tusk said.

Sanctions on Russia were also raised at the NATO summit, but Trump has not taken a position either way. "I think the president is looking at it. Right now, we don't have a position," Cohn said.

There is one point Trump has been clear on -- the fight against terrorism. Trump will continue his discussion from the middle east portion of his trip about raising funding to fight terrorism. His goal is to get the G7 and then G20 involved. Cyber security will also be a major topic.

"Terrorism is going to be a very big topic," Cohn said. "It's going to lead off."

He suggested that Trump may give more clues on his trade policy on Friday in Sicily.

"We are going to continue to fight for what we believe is right, which is free, open and fair trade, which the president has been very clear on what that means," he said.

"We will have a very robust discussion on trade and we will be talking about what the president means by free and open is, we will treat you the way you treat us, meaning if you don't have barriers to trade or you don't have tariffs, we won't have tariffs."

*David Herszenhorn contributed to this report.*

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**Montana House GOP candidate cited after reporter says he 'body-slammed me'** [Back](#)



HELENA, Mont. — Montana Republican congressional candidate Greg Gianforte was issued a citation late Wednesday after he allegedly "body-slammed" a reporter at a campaign event on the eve of a hotly contested special election.

Ben Jacobs, a reporter for The Guardian [tweeted](#) that Gianforte "body-slammed me and broke my glasses" at a campaign event in Bozeman, Montana — minutes before what was to be the last campaign rally of the campaign. Jacobs said he had asked Gianforte about a new budget analysis of House Republicans' effort to repeal and replace the Affordable Care Act.

Late Wednesday, Gallatin County Sheriff Brian Gootkin issued a statement saying the Republican congressional candidate had been cited for "misdemeanor assault" and that Gianforte would have to appear in court by June 7 to resolve the matter. "The nature of the injuries did not meet the statutory elements of felony assault," the sheriff said in his statement.

The incident rocked a closely watched contest, just hours before voters cast their ballots in Thursday's special House election in Montana to replace Ryan Zinke, who is now the Trump administration's secretary of the interior. Gianforte, a technology executive, is running against Democrat Rob Quist, a folk singer and first-time candidate. The race in the traditional Republican stronghold is [turning out to be closer](#) than many thought it would be.

The encounter on election eve immediately captured statewide and even national attention. At least one local station interrupted prime-time programming for a breaking news report and reports bannered all of Montana's biggest newspapers.

The Billings Gazette, The Helena Independent Record and The Missoulian subsequently [rescinded their endorsements](#) of the Republican candidate.

Gianforte's campaign acknowledged an incident but offered a starkly different version of events — one contradicted by witnesses and by audio posted by The Guardian. Gianforte spokesman Shane Scanlon blamed Jacobs for being "aggressive" as he asked questions and for creating a scene.

"Tonight, as Greg was giving a separate interview in a private office, The Guardian's Ben Jacobs entered the office without permission, aggressively shoved a recorder in Greg's face, and began asking badgering questions. Jacobs was asked to leave," Scanlon said.

"After asking Jacobs to lower the recorder, Jacobs declined. Greg then attempted to grab the phone that was pushed in his face. Jacobs grabbed Greg's wrist, and spun away from Greg, pushing them both to the ground. It's unfortunate that this aggressive behavior from a liberal journalist created this scene at our campaign volunteer BBQ."

Audio of the incident [posted by The Guardian](#) seemed to directly contradict the Gianforte campaign's version, as did a number of witnesses — including a Fox News crew that was in the room during Wednesday's incident.

Alicia Acuna [wrote](#) on Fox News' website that she and a crew were preparing for an interview with Gianforte when Jacobs walked into the room, produced a voice recorder and asked Gianforte a question. After Gianforte rebuffed Jacobs, and Jacobs asked a follow-up question, Gianforte grabbed him by the neck, Acuna wrote.

"Gianforte grabbed Jacobs by the neck with both hands and slammed him into the ground behind him," she wrote. "Faith, Keith and I watched in disbelief as Gianforte then began punching the man, as he moved on top the reporter and began yelling something to the effect of 'I'm sick and tired of this!'"

In audio of the incident, Gianforte can clearly be heard getting upset. In it, Jacobs asks Gianforte about the Republican health care bill. Gianforte tells him, "Let me talk to you about that later" as Jacobs continues trying to ask a question. "Speak with Shane," Gianforte says, referring to his spokesman.

"The last guy did the same damn thing," Gianforte says.

"You just body-slammed me and broke my glasses," Jacobs says.

"Get the hell out of here," Gianforte yells.

Gootkin, the sheriff, initially declined to file charges, saying that he had not yet listened to full audio of the incident. He subsequently issued a citation.

In March, Gootkin donated \$250 to Gianforte's campaign, according to an FEC filing.

"After the press conference it was brought to my attention that people were commenting on a contribution that I made to the Gianforte campaign. I did contribute \$250.00 on March 23, 2017. This contribution has nothing to do with our investigation which is now complete," the sheriff stated.

The sheriff said charges followed multiple interviews and an investigation by the Gallatin County Sheriff's Office. He said it was a misdemeanor based on "the nature of Jacobs' injuries."

Other reporters on the scene confirmed via Twitter that they witnessed some sort of altercation between the two.

"I'm not sure I've seen anything like this before," BuzzFeed reporter Alexis Levinson, who was on the scene, [tweeted](#) in a long thread. "This happened behind a half-closed door, so I didn't see it all, but here's what it looked like from the outside. Ben walked into a room where a local TV crew was set up for an interview with Gianforte. All of a sudden, I heard a giant crash and saw Ben's feet fly in the air as he hit the floor."

"Ben walked out holding his broken glasses in his hand and said: 'He just body-slammed me,'" Levinson continued.

Whitney Bermes, a reporter for the Bozeman Daily Chronicle, tweeted that the police were called to the scene. The Daily Chronicle also reported that Jacobs was treated by an ambulance on the scene, and Bermes later tweeted that one person was transferred to the hospital.

"Gianforte sitting in a Jeep. Sheriff's deputies were talking to him earlier. Now a medic is at the window talking with him," Bermes also [tweeted](#).

Gianforte then left the event before he was scheduled to speak, according to reporter tweets.

In an interview, Jacobs told MSNBC he approached Gianforte and asked him about the



Congressional Budget Office's score of the House bill to repeal and replace the Affordable Care Act.

"It was the strangest moment in my entire life reporting," Jacobs said.

He said after calling his editor and police, he went to the hospital to have X-rays because he fell on his elbow.

The Guardian, in a statement released late Wednesday, said it stood by its reporter.

"The Guardian is deeply appalled by how our reporter, Ben Jacobs, was treated in the course of doing his job as a journalist while reporting on the Montana special election," U.S. editor Lee Glendinning said. "We are committed to holding power to account, and we stand by Ben and our team of reporters for the questions they ask and the reporting that is produced."

The Democratic Congressional Campaign Committee called on Gianforte to drop out of the race "after his alleged violent assault of an innocent journalist," spokesman Tyler Law said.

Quist declined to comment on the news after his first Missoula event of the evening, then also didn't address it at his second, a quick rally to thank his supporters at a brewery.

The candidate instead walked on stage, joined his opening act for a song, and repeated much of his stump speech for roughly seven minutes. He then walked off the stage and again declined to answer questions about Gianforte.

*Elena Schneider and Cristiano Lima contributed to this report.*

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**Gianforte wins Montana special election** [Back](#)

By Elena Schneider | 05/25/2017 07:07 PM EDT

Republican Greg Gianforte won Montana's special House election Thursday night, beating Democrat Rob Quist a day after Gianforte was charged with assault for allegedly attacking a reporter covering his campaign.

The incident threatened to sink a red-state campaign that was already worrying Republicans nationally, despite President Donald Trump's 20-point win in Montana just last year. But Gianforte's win preserved the GOP's 24-seat edge in the House of Representatives, frustrating Democratic activists who poured money into Quist's campaign and demanded more help from party groups that saw the uphill, red-state race as unwinnable.

Gianforte, a technology executive, had 51 percent of the vote when The Associated Press called the race at about 10:30 p.m. Mountain Time. Quist, a folk singer and first-time candidate, had 44 percent of the vote. A Libertarian candidate, Mark Wicks, had 6 percent.

The hotly contested special election to replace Interior Secretary Ryan Zinke in Congress took

a violent turn Wednesday night when Ben Jacobs, a reporter for The Guardian, asked about Gianforte's reaction to the Congressional Budget Office score of the House Republican health care plan. Jacobs said Gianforte "body-slammed" him and broke his glasses, an account which was corroborated by audio of the incident and eyewitness accounts from a Fox News reporting team in the room. The accounts directly contradicted Gianforte's campaign, whose spokesman, Shane Scanlon, called Jacobs' behavior "aggressive."

But over a quarter-million voters cast their ballots before the incident, limiting its impact on the results of the special election.

Republicans including House Speaker Paul Ryan and Montana Sen. Steve Daines called on Gianforte to apologize Thursday, which Gianforte did in a victory speech late Thursday night before supporters in Bozeman, Mont.

"When you make a mistake, you have to own up to it. That's the Montana way," Gianforte said. "Last night I made a mistake and I took an action that I can't take back. I'm not proud of what happened. I should not have responded in the way that I did and for that I am sorry."

"I should not have treated that reporter that way and for that I am sorry Mr. Ben Jacobs," he added. Gianforte, however, did not address his campaign's contradictory statement released last night.

Republicans acknowledged that Gianforte has work to do to reset his image.

One Republican survey showed the news of the incident reached most voters in Montana. Ninety-three percent of likely Election Day voters in the state told Remington Research Group in an automated poll that they had heard about the altercation between Gianforte and Jacobs. Nine percent of those Election Day voters said they flipped their votes to Quist after hearing about the story.

"Gianforte's brand for the rest of his political career is going to be 'the body slammer,'" said Titus Bond, the pollster. "Every single room he walks into in D.C., that'll be the chatter, that's what they'll say."

"He won't be the only hot-headed lunatic in the House, but doesn't mean it's an easy situation for Republicans to deal with," said one national Republican strategist. "The Speaker was smart to say he should apologize, and most smart people agree he needs to make this right fast."

Quist told supporters that he conceded to Gianforte but wants them to stay involved in politics.

"I know Montanans will hold Mr. Gianforte accountable," Quist said. "Do not be discouraged. Be determined."

Gianforte always led the race, but even before the incident, private polling showed Gianforte's lead slipping from double-digits to single-digits in Montana. Even then, Democratic groups did not match the millions in outside spending poured in by the GOP, much to the frustration of Democratic activists, including a number of backers of Vermont Sen. Bernie Sanders, who endorsed Quist.

DCCC chairman Ben Ray Lujan said in a statement that Democrats intend to "compete hard for this seat" in 2018. "Unfortunately, the alleged violent assault of an innocent reporter and subsequent criminal charges have tainted this election at the very end and further clarified that

Greg Gianforte is unfit to represent Montana," Lujan continued. "There's no question in my mind that Gianforte should not be sworn into office."

National Republicans took the opportunity to swipe at House Minority Leader Nancy Pelosi, after linking Quist to her in TV ads painting him as too liberal for Montana.

"Greg Gianforte will be the next congressman from Montana and Nancy Pelosi and liberals in Washington were rejected again," NRCC chairman Steve Stivers said in a statement.

Some Republicans had privately been criticizing Gianforte for not putting away the race more easily before the explosive end of the campaign. Democrats effectively tagged Gianforte as a millionaire from New Jersey who was trying to buy the election. All through last year's gubernatorial race, Democrats also attacked Gianforte over reports that he sued to block access to a stream in front of his ranch, kicking up a public lands dispute that "probably followed him into this House race," said Jeff Essman, the chairman of the Montana Republican Party.

Gianforte's episode with the reporter followed three weeks of intense pressure and questions on health care, after Gianforte was taped praising the GOP health care bill in a conversation with lobbyists while publicly refusing to commit to the plan. As Quist's campaign attacked Gianforte over his comments and provisions in the bill, private surveys showed Gianforte's lead slipping from double-digits to a slim, single-digit gap.

Quist's campaign win was powered by Democrats' online grassroots, which helped him raise more than \$6 million — including \$1 million in the final week of the race. But those activists grew frustrated over the course of the race as their investment was not matched by Democratic groups. Republicans spent more than \$7 million on TV ads to about \$3 million from Democrats.

Meanwhile, Republicans brought big names to the state, with Vice President Mike Pence and Donald Trump Jr. holding rallies with Gianforte in the final weeks of the race to stir up GOP voter enthusiasm.

*To view online [click here.](#)*

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## **EPA moves to suspend compliance for coal plant discharges rule [Back](#)**

By Annie Snider | 05/25/2017 06:15 PM EDT

EPA is proposing to suspend compliance dates for an Obama administration regulation limiting toxic discharges from coal-fired power plants while the Trump administration decides how to proceed with the underlying regulation.

EPA Administrator Scott Pruitt today signed a [proposed regulation](#) that would suspend the date by which some facilities would have to implement two aspects of the rule, which limits waterborne pollutants like arsenic and lead. Under the final 2015 rule, compliance requirements for those aspects would kick in Nov. 1, 2018.

Pruitt's new proposed rule would postpone those requirements "until EPA promulgates a final

rule specifying compliance dates."

EPA moved in April to [reconsider](#) the rule, known as effluent limitation guidelines, following industry requests. A federal court has also put pending litigation on hold amid EPA's review. Environmental groups are [suing](#) over EPA's decision to indefinitely suspend the rule.

"This proposed rule is one of nearly two dozen significant regulatory reform actions I have taken during my short time as EPA Administrator to protect the environment, jobs and affordable, reliable energy. Today's action, if finalized, will provide relief from the deadlines under the existing ELG Rule while we carefully consider the next steps for this regulation," Pruitt said in a statement.

**WHAT'S NEXT:** EPA is setting a 30-day public comment period on the proposed rule to suspend compliance dates, which would begin once the rule is published in the Federal Register.

To view online [click here](#).

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## House GOP leaders already plotting to avoid fall shutdown [Back](#)

By Rachael Bade and John Bresnahan | 05/25/2017 02:30 PM EDT

House Republican leaders, facing a serious time crunch this fall, are already plotting ways to avoid a government shutdown at the end of September — a real possibility given partisan divisions over spending priorities.

Speaker Paul Ryan in a closed-door GOP conference meeting Thursday morning laid out the legislative calendar, showing lawmakers they're approximately four months behind schedule in the appropriations process for 2018, in part because President Donald Trump's budget landed later than usual.

The early discussion about salvaging the annual spending process underscores how much Trump, Ryan and other party leaders are struggling to govern now that they run Washington.

House Republicans can't agree on their own budget blueprint for next year, clashing internally over cuts to entitlement programs and safety net initiatives such as food stamps and housing aid, all while trying to create space for tax reform and a big defense spending increase. In addition, they still have to find money for Trump's priorities, including the hugely controversial border wall between the United States and Mexico.

Congress needs to pass a funding bill by Sept. 30 to keep the lights on at federal agencies. Yet with lawmakers out for the August recess, they only have 43 legislative days left to pass appropriations bills before they hit that deadline. Obamacare repeal efforts are likely to suck up much of that time in the Senate. Tax reform — or even a tax-cut package — would also take up more time and energy.

Aware of the looming deadline, Ryan raised the possibility of clumping appropriations bills together in an omnibus to save time. Passing a continuing resolution, that essentially maintains

current spending levels and priorities in order to keep the government open, was also discussed.

The idea, GOP insiders say, was to manage expectations of what's possible and what's not. Republicans for years have vowed to bring back "regular order" if they were in charge, with Congress debating and passing 12 separate spending bills each year. But even having the White House and Congress is not enough for Republicans. Regular order, for now, will remain a memory from a bygone era.

"We talked about how we might move forward on appropriations at this juncture... Putting all the appropriations together in one package is one option," said Rep Robert Aderholt (R-Ala.), a senior member of the House Appropriations Committee. "I think certainly, when you look at the calendar, you've got to say: It's crunch time, and of course trying to do all these appropriations bills in that short period of time" would be difficult.

Under the Budget Control Act, Republicans in fiscal 2018 face \$5 billion in across-the-board cuts to defense and non-defense programs unless they take action. Trump wants to increase defense spending and request new money to build a border wall with Mexico. That, however, would require Congress to raise spending caps put in place years ago.

In order to do that, Republicans would need the support of at least eight Democrats in the Senate, which is extremely unlikely at this point. Democrats typically demand dollar-for-dollar funding boosts for non-defense programs, such as transportation or housing, in order to support defense increases. They've also sworn to never support funding for Trump's wall, something the White House wants to push for in earnest this fall — even at the risk of a shutdown fight.

During Thursday's House GOP conference meeting, Republicans harped on Senate rules requiring 60 votes for passage instead of a simple majority. They discussed the possibility of convincing Senate Republicans to go nuclear on spending bills, as they did to confirm Supreme Court Justice Neil Gorsuch — though that's unlikely at best.

"We do our appropriations in the House... then, it goes over to the Senate and they say, 'No, we have to work with Democrats,'" said Rep. Trent Franks (R-Ariz.), who often rants about Senate rules and wants Senate Republicans to eliminate the filibuster. "What will come out of this process is going to be a significantly, in large part, a Democrat omnibus ... We don't seem to have the courage to face the real problem head on."

Republicans, however, can't point to Democrats for all their budget problems: The conference faces a critical moment right now over how far they go in their own budget. Conservatives want drastically lower spending and are pushing GOP leaders to use reconciliation to cut safety-net programs. But that idea is sure to repel moderate Republicans, putting GOP leaders in the awkward situation of trying to find a way to garner 216 votes for passage. In the past, they've had to turn to Democrats to pass spending bills.

Defense hawks want dramatically higher spending. And all Republicans talk about balancing the budget, which is only possible if they raise taxes — an anathema — or cut entitlement programs. Trump has already said we won't touch Social Security retirement funds or Medicare.

"This is gonna be a brutal battle," said one GOP source. "Defense hawks want \$640 [billion],

appropriators want \$516 [billion] for non-defense, moderates don't want any changes to mandatory. And yet everyone says the budget still has to balance. Those numbers don't add up. And a budget that doesn't have serious deficit reduction isn't going to make it out of committee."

Much is at stake. If Republicans don't agree on a blueprint, they will never get to tax reform. That's because only after passing the budget can they unlock the fast-tracking tool known as reconciliation that allows them to pass tax reform without a single Democratic vote in the Senate.

When asked when — and if — House Republicans would unveil their own budget, Budget Committee Chairwoman Diane Black (R-Tenn.) was non-committal.

"We're working on it, and we'll let you know when we get to that point," Black said. "We're going to bring it out as soon as we get consensus and get all of our people together."

And Black faithfully repeated that line several time no matter what question she was asked about the budget. "That's all I'm gonna give you, that we're working on it," Black said. GOP insiders expect the budget to be released in June.

There isn't much time to deliberate.

While the budget process typically starts in February, after the president releases his budget, Trump waited until the end of May to release the details of his fiscal blueprint. Even though the Trump budget — with huge spending cuts to domestic problems, big tax cuts and some fuzzy math to make it balance — was dead on arrival, the delay in sending it to Capitol Hill set lawmakers back, all while the issues dividing the Republican Conference are just becoming tougher and tougher.

"People know that we have an abbreviated timeframe for the appropriations process," said Rep. Tom Cole (R-Okla.), who sits on both the Appropriations and Budget panels.

Cole said Appropriations Committee Republicans met privately on Wednesday night to discuss the situation, but he acknowledged GOP lawmakers will miss the Sept. 30 deadline for passing spending bills.

"We're prepared to work Saturdays, whatever we need to do," Cole said. "We can get the bills ready to get all 12 bills out of committee. The real question is do you have the time to do them on the floor? Probably not. So you're gonna have 'minibuses' or an omnibus. I think there's just probably not the time given health care, given tax reform and everything else we've gotta get done."

Kentucky Rep. John Yarmuth, top Democrat on the House Budget Committee, says the GOP infighting over spending priorities is par for the course.

"We've got a Republican majority that's having a hard time governing," Yarmuth said. "We saw it on health care. It doesn't surprise that's it happening on the budget as well."

Yarmuth said his aides tried on Thursday to find out from their GOP counterparts whether a budget would be marked up in June.

"They clearly are undecided about what they're going to do," Yarmuth added.



Yarmuth, Rep. Nita Lowey (D-N.Y.) — ranking member on Appropriations — and party leaders want to get rid of any spending limits so they can boost funding for domestic programs.

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## **Trump to tap nonproliferation expert as DOE's top lawyer [Back](#)**

By Alex Guillén | 05/23/2017 05:55 PM EDT

President Donald Trump plans to nominate David Jonas to be the Energy Department's general counsel, the White House announced today.

Jonas, a partner at the Virginia law firm Fluet, Huber and Hoang since 2016, was also a DOE landing team member and is an expert on nuclear nonproliferation.

He previously served as the general counsel for the National Nuclear Security Administration, DOE's nuclear security arm, from 2001 to 2010, according to his LinkedIn page. From 2012 to 2014, Jonas was general counsel for the Defense Nuclear Facilities Safety Board, an independent agency that advises DOE on nuclear defense facilities.

Jonas's resume also includes a year as DOE's director of legal strategy and analysis and a year as a vice president at the Pentagon Federal Credit Union. He holds advanced law degrees in military law and international law.

Jonas's wife, Tina Jonas, served as chief financial officer for the FBI under Robert Mueller and later as CFO and under secretary of Defense from 2004 to 2008.

**WHAT'S NEXT:** The Senate Energy and Natural Resources Committee likely will schedule a hearing on his nomination for sometime after Congress returns from its Memorial Day recess in early June.

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## **Protesters disrupt FERC, DOE nominees' hearing [Back](#)**

By Darius Dixon | 05/25/2017 11:34 AM EDT

A handful of climate change and anti-natural gas protesters took turns interrupting the Senate Energy and Natural Resources Committee nomination hearing of President Donald Trump's two FERC appointees and an Energy Department deputy this morning.

The disruptions at the hearing for FERC nominees Neil Chatterjee and Robert Powelson and

deputy Energy secretary candidate Dan Brouillette started about 45 minutes into the meeting, with one protester screaming "FERC hurts families. Shut FERC down!"

Three other protesters interrupted the hearing in the next 15 minutes.

"I am compelled to interrupt this because I have seen the destruction that climate change [causes]," one woman said, as Sen. [Joe Manchin](#) peppered the nominees with questions.

As the woman and another protester were escorted out, and Manchin was assured by Chairwoman [Lisa Murkowski](#) that he had not lost any of his time questioning the nominees, he looked at the nominees and said "God bless America," drawing laughs from the audience.

Several organizations have signed onto a [pledge](#) to oppose any of Trump's appointments to FERC, and anti-gas protesters have regularly interrupted meetings at the agency's headquarters for more than two years.

The number of seats available to the public were limited at the hearing because the nominees brought more than 30 family members and friends.

**WHAT'S NEXT:** Murkowski told committee members today that they should expect to vote on the three nominees, along with Deputy Interior Secretary David Bernhardt, shortly after the upcoming week-long Memorial Day recess.

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**FERC nominees: Grid needs all-of-the-above energy mix** [Back](#)

By Esther Whieldon | 05/25/2017 03:46 PM EDT

President Donald Trump's picks to fill two of the vacancies at FERC stuck to largely conservative talking points on the role of renewables and nuclear generation on the electricity grid at their confirmation hearing today, advocating for an all-of-the-above approach.

Neil Chatterjee, an aide to Senate Majority Leader [Mitch McConnell](#), and Rob Powelson, a Pennsylvania utility regulator, were asked by lawmakers on the Senate Energy and Natural Resources Committee what they think the nation's energy mix should look like in the future, and how FERC should address state policies that affect regional power market prices.

Sen. [Joe Manchin](#) (D-W.Va.), who has argued that coal-fired generation was crucial for grid reliability, quizzed the nominees on their definition of baseload fuels.

Powelson said that in the PJM Interconnection market in the Mid-Atlantic region, those baseload supplies were nuclear, coal and natural gas, but that "renewables are playing a part of this energy mix."

"But they're the resources right now that seem to be evolving, and on a national level as well," Powelson said. "There's a tectonic shift taking place across the U.S."

Chatterjee agreed with Powelson, saying all generation sources were important. "We need coal, we need nuclear, we need hydro and we need renewables and then I think obviously gas plays an important role. Sometimes it serves as baseload, sometimes it serves as backup," and sometimes it's used opportunistically, he said.

If confirmed, Chatterjee and Powelson, both Republicans, will join the agency that has been without a quorum and unable to make any major decisions for almost four months. Among the major issues they would help decide if confirmed is how FERC should accommodate state policies that promote nuclear and renewables but could affect grid reliability and power prices, whether the grid can provide better incentives for battery storage, and how FERC should address state efforts to prevent solar developers from using the Public Utility Regulatory Policies Act to force utilities to sign power purchase contracts.

The Trump administration has pushed policies to reverse the decline in the coal industry while stimulating new oil and natural gas production, veering sharply from the Obama administration's emphasis on curbing climate change and promoting renewables. Under the leadership of former chairmen Jon Wellinghoff and Norman Bay, FERC used its authority to promote demand response, storage and other clean-energy technologies.

Sen. [Tammy Duckworth](#) (D-Ill.), who noted her state aimed to keep its nuclear power plants from closing, asked if the two "agree that state legislatures [are] the appropriate place for these policies to be decided, and as FERC commissioners would you act to pre-empt these laws as some have suggested?"

Both nominees pledged to keep an "open mind" on the issues and said they respect states' rights to establish their own energy policies. But Powelson noted earlier in the hearing that FERC may have to "step in" if state actions prevent the agency from following its own market and grid reliability mandates.

Sen. [John Barrasso](#) (R-Wyo.) asked how FERC should respond to [pressure](#) from the solar industry to intervene in moves by some states to staunch the flow of new projects they are building under PURPA, which is overseen by FERC but implemented at the state level.

"While you have my assurance I would work very seriously on these issues should I be confirmed, I think any major changes need to come from this body and not from FERC," Chatterjee said.

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## **Blankenship appeals conviction to Supreme Court [Back](#)**

By Alex Guillén | 05/25/2017 05:42 PM EDT

Former Massey Energy chief Don Blankenship [asked](#) the Supreme Court today to overturn his conviction related to the 2010 Upper Big Branch mine disaster that killed 29 of his workers.

A jury in 2015 acquitted Blankenship of various felony charges related to the disaster, but convicted him on a misdemeanor, conspiracy to violate mine safety standards. He was recently

released from prison after serving a one-year sentence.

His appeal to the 4th Circuit was [rejected](#) in January, and now Blankenship has asked the Supreme Court to intervene because of two alleged infirmities with his trial.

One involves how a witness was questioned, while the other argues that the jury was given bad instructions about whether Blankenship had to "willfully" violate the law. Blankenship has long maintained that federal prosecutors did not prove he was specifically aware of the issues that led to the explosion.

It is unclear whether the Supreme Court will take Blankenship's appeal.






However, the high court last year overturned another high-profile criminal conviction out of the 4th Circuit — [former Virginia Gov. Bob McDonnell](#). A unanimous court ruled that McDonnell had been wrongly convicted on bribery charges that were defined too broadly. The government decided [not to re-try](#) McDonnell.

While Blankenship's case is significantly different, he does cite McDonnell's exoneration in his Supreme Court filing to argue that "instructional error [is] not harmless where it allowed conviction for conduct that is not a crime."

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